

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

UMG RECORDINGS, INC., *et al.*,

Plaintiffs,

v.

KURBANOV, *et al.*,

Defendants.

Case No. 1:18-cv-00957-CMH-TCB

**PLAINTIFFS' MOTION FOR RECONSIDERATION
OF THE COURT'S SEPTEMBER 18, 2020 STAY ORDER**

Plaintiffs respectfully move for reconsideration of this Court's September 18, 2020 order staying proceedings in this case pending resolution of Defendant's yet-to-be-filed petition for certiorari to the United States Supreme Court. For the reasons discussed in the accompanying memorandum of law, under 28 U.S.C. § 2101(f) and the "mandate rule," a district court lacks authority to stay a circuit court's judgment pending resolution of a certiorari petition. Moreover, even if § 2101(f) did not govern Defendant's request (which it does), Defendant cannot satisfy this Court's standard for a stay pending appeal. Accordingly, Plaintiffs respectfully request that the Court modify the September 18, 2020 order to vacate the portion of the order staying proceedings pending a ruling on Defendant's certiorari petition.

Respectfully submitted,

Dated September 30, 2020

/s/ Scott A. Zebrak

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CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2020, I electronically filed the foregoing with the Clerk using the CM/ECF system, which will send the document and notification of such filing to counsel of record.

/s/ Kellyn M. Goler
Kellyn M. Goler

CERTIFICATE OF COMPLIANCE WITH MEET AND CONFER REQUIREMENTS

I hereby certify that, prior to the filing of Defendant's Motion to Stay Discovery and Proceedings and the filing of this motion, counsel for the parties met and conferred in an attempt to narrow or eliminate the disputes addressed in this motion.

/s/ Kellyn M. Goler
Kellyn M. Goler